

## EXHIBIT I

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 03-MDL-1570 (GBD) (SN)  
-----x.  
IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001  
-----x

April 12, 2021  
10:30 a.m.

Videotaped Deposition via Zoom  
of BRIAN M. JENKINS, pursuant to Notice,  
before Jineen Pavesi, a Registered  
Professional Reporter, Registered Merit  
Reporter, Certified Realtime Reporter and  
Notary Public of the State of New York.

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2 Q. And do you agree with footnote  
3 1 to Chapter 5 of the 9/11 Commission  
4 Report as published on FED PEC 0076072 of  
5 Exhibit 2026?

6 A. They begin working with --  
7 begin working with, I am going to talk  
8 about that phrase there.

9 KSM we know, and this is also  
10 from the 9/11 Report, spoke with bin Ladin  
11 in 1996 and pitched the idea of some type  
12 of operation involving airplanes.

13 Bin Ladin did not -- bin Ladin  
14 invited Khalid Sheikh Mohammed to join Al  
15 Qaeda at that time, but Khalid Sheikh  
16 Mohammed did not and so this would be  
17 referred to, you know, really in a sense a  
18 more formalization of a relationship.

19 But Khalid Sheikh Mohammed  
20 remained committed to this operation and  
21 was anxious for bin Ladin's support for  
22 it, but at the same time Khalid Sheikh  
23 Mohammed really valued his independent  
24 status and did not want to formally join  
25 Al Qaeda and so this represents more of a

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2 formalization of the relationship.

3 Q. When you say this represents  
4 more of a formalization of the  
5 relationship, you mean when KSM began  
6 working more closely with Osama bin Ladin  
7 in 1998 or 1999?

8 A. Yes.

9 MR. COTTREAU: If I could have  
10 the assistant please turn to the next page  
11 and highlight for me footnote 10 on the  
12 next page.

13 Q. Mr. Jenkins, I am going to have  
14 you take a look at footnote 10 to Chapter  
15 5 of the 9/11 Commission Report, which is  
16 at FED PEC 0076073 of Exhibit 2026, and if  
17 you could please read that aloud for me.

18 A. "Intelligence report,  
19 interrogation of KSM, January 9, 2004. In  
20 another interrogation report, however, KSM  
21 downplays the significance of his  
22 relationship to Yousef in enabling him to  
23 meet with bin Ladin. Specifically, KSM  
24 notes that Yousef was not a member of Al  
25 Qaeda and that Yousef never met bin Ladin.

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2 airliners flying across the Pacific"?

3 A. Yes, but I would add to that  
4 again, we've had this discussion before,  
5 you know, as I say, it was not -- Bojinka  
6 was not an Al Qaeda operation, it was  
7 carried out by individuals who were part  
8 of this broader constellation and who had  
9 previously, in some case, had previously  
10 had connections with Al Qaeda or  
11 subsequently had connections with Al  
12 Qaeda.

13 But the specific operation was  
14 not an Al Qaeda operation.

15 So, yes, I agree with this  
16 statement, but with that additional  
17 statement.

18 Q. Thank you.

19 MR. COTTREAU: Michael, you can  
20 take the exhibit down.

21 Q. Mr. Jenkins, do you believe  
22 that Islam is a religion of peace?

23 MR. EUBANKS: Object to form,  
24 outside the scope.

25 A. You know, do I believe --

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But, No. 1, what do they say; now, when bin Ladin was alive, he regularly communicated at length in terms of various speeches and communications, so did Zawahiri, so did some of the others in the group, so that's No. 1.

No. 2, this goes back primarily before, but in some cases immediately after 9/11, bin Ladin and Zawahiri gave interviews to the press and so you have what they said in those.

There is also material that Al Qaeda strategists, et cetera, have written about their view, so you have what they said, what they wrote, what they said in interviews, and moreover, then you have their actions, what were their, you know, what they did as evidence of how they viewed things and how they did things and intentions.

Does that reflect the entire membership of Al Qaeda, no, because you have individuals, and this is especially in the post 9/11 environment, who claim to

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2 material and to just portray that in a  
3 clear, succinct fashion.

4 There's not a paragraph that is  
5 labeled methodology, but I do say that,  
6 you know, look, what was I going for.

7 It looked at the operation  
8 primarily from Al Qaeda's point of view  
9 that would discard a lot of the  
10 literature, it looks at it, for example,  
11 post 9/11, how did this happen, how did we  
12 screw up intelligence, what were the  
13 vulnerabilities at airports, why was the  
14 investigation flawed, things of this sort.

15 Not relevant to my purpose,  
16 which was to look at it from Al Qaeda's  
17 point of view, what were they trying to  
18 do, what kind of problems in terms of  
19 planning or mobilization resources did  
20 they run into along the way, you know, how  
21 did they manage to overcome these  
22 obstacles.

23 It was pretty straightforward,  
24 what was the available evidence.

25 Clearly the 9/11 Report was --

JENKINS

in which I say "see discussion of these issues in Chapter 1, Chapter 5 and Chapter 7," and I cite those, those would cover a number of them, that doesn't get into this area.

Now, look, again, and I realize -- I don't mean to be chubbing back and forth and I don't see this as an adversarial proceeding, or it is, but the fact is that, yes, there are a lot of things in my head and they refer to a lifetime of previous research and in some cases, as to men are willing to die and common supply, but never before had a terrorist organization mobilized so many suicide operatives to work together in a single operation.

I can actually demonstrate that historically, but it is one of those things that quite frankly is inside my head.

In fact, one of the -- I am not going to get into, this was another analytical debate, we can see one or two

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2 use U.S. telephone books and the Internet,  
3 rent an apartment, read airline  
4 timetables, and make travel reservations."

5 If I wanted to understand what  
6 the basis was for that sentence in your  
7 report, how would I do that as a person  
8 reviewing the historical work?

9 A. Source of the 9/11 Commission  
10 and again a lot of this is based upon the  
11 chapters that I identified from the 9/11  
12 Commission and back to footnote 30, but I  
13 thought there was one other one here.

14 (Witness perusing document.)

15 A. In this final sequence of  
16 events, and perhaps I was remiss in this,  
17 but in the final sequence of events, this  
18 comes primarily out of, apart from those  
19 that I have already pointed out as my own  
20 surmise, the 9/11 Commission and I was  
21 saying now we're into the final, in a  
22 sense, live past, and these things have  
23 been well-covered in the press, been  
24 covered in the 9/11 Commission, that these  
25 are statements of fact based upon

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2 Why I am familiar with his  
3 statement, I did not know, I misunderstood  
4 you, Steve, actually, when you said did I  
5 read any of the defendants' reports.

6 And I did not include in my  
7 head a rebuttal, I thought there was an  
8 original set of reports as were prepared  
9 by the plaintiffs' counsel, a set of  
10 reports that one could look at, and I did  
11 not look at those.

12 I did absolutely look at Mark  
13 Sageman's rebuttal, it was sent to me, I  
14 looked at it, and I looked at it very  
15 carefully to see if there was something  
16 where there would be a fundamental  
17 disagreement with something that I said.

18 As I say, there is no  
19 disagreement on our characterization of  
20 the 9/11 Report, other than an issue of  
21 whether the Bojinka plot was a predecessor  
22 or a precedent or a precursor for the 9/11  
23 attacks.

24 Mr. Sageman said it was not, I  
25 believe that it was.

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2 and I will reask my question.

3 A. Got it, got it, got it.

4 Q. The last sentence of the second  
5 full paragraph on page 11 of your report  
6 reads, "The operation was reportedly  
7 financed in part by bin Ladin and other  
8 Islamist extremists."

9 What does "the operation" mean?

10 A. It would refer to Bojinka.

11 Q. Can you make a list for me of  
12 each and every piece of evidence that  
13 supports the conclusion that the Bojinka  
14 plot was reportedly financed in part by  
15 bin Ladin.

16 A. Again, that would take time to  
17 do, but I could.

18 I don't want to have us spend  
19 time and if you want me to submit  
20 something or my lawyers agree for me to  
21 submit something following to do that, but  
22 I don't have all of my material here.

23 I have deliberately not had  
24 anything on my desk here to refer to and  
25 so it will take some time to do it.

C E R T I F I C A T I O N

I, Jineen Pavesi, a Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter and a Notary Public, do hereby certify that the foregoing witness, BRIAN M. JENKINS, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is written in a cursive, flowing style.

JINEEN PAVESI, RPR, RMR, CRR

## E X H I B I T S

## Defendants'

| EXHIBIT      | DESCRIPTION  | PAGE |
|--------------|--|------|
| Exhibit 2025 | Jenkins Expert Report  | 20   |
| Exhibit 2026 | Bates stamped FED<br>PEC 75569, 75729<br>through 75757, and<br>76072 through 76083   | 71   |
| Exhibit 2027 | FED PEC 75754  | 86   |
| Exhibit 2028 | transcript of<br>witness's testimony<br>presented before<br>the House Armed<br>Services Committee,<br>Subcommittee on<br>Emerging Threats<br>and Capabilities,<br>on or about June<br>22, 2011 | 91   |
| Exhibit 2029 | expert report of<br>witness in   | 113  |

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connection with the  
Weiss v. National  
Westminster case on  
or about March 4,  
2011  
Exhibit 2030 copy of an expert 116  
report by witness  
in connection with  
Strauss versus  
Credit Lyonnais  
case dated July 15,  
2010  
EXAMINATION BY:  
MR. COTTREAU: PAGE 9  
MR. NASSAR: PAGE 239  
MR. MOHAMEDDI: PAGE 283

